

III. REMARKS

1. Examiner lists claims 132 and 133 as currently pending claims. Please note that claims 132 and 133 were cancelled in a prior amendment dated July 18, 2000. Claims 26-28, 31-81, 130-131, 134-183, 192-205 and 208-210 are now pending in this application.

2. Claims 26-28, 31-35, 130-131 and 134-138 are not anticipated under 35 U.S.C. 102(e) by Schwartz et al., U.S. Patent 5,615,120 ("Schwartz").

Claim 26 of the present application recites in pertinent part, an interface for obtaining, from the mail piece, selected information appearing on the mailing piece, said information including data identifying an originator of said mail piece. Claim 26 also recites, a processor responsive to at least the selected information for determining whether to dispense the postage, wherein said processor disallows a dispensation of the postage when said originator is determined to be unauthorized to expend the postage.

Schwartz discloses an electronic postage scale system (10) where non-keyboard devices are used to select shipping service options (i.e. a bar code scanner, a voice recognition device or a remote computer is configured to emulate keycodes from the system keyboard and can be operatively connected through a keyboard interface to select shipping options). The system in Schwartz comprises a scale (11) and a console (13). Console (13) comprises a display module (16) and a keyboard (17). Console (13) takes in an electric signal from the scale (11) and, depending on what particular keys or keys are depressed on keyboard (17), console (13) causes display module (16) to display the weight information

and shipping cost of a package. Keyboard (17) has groups of keys (800, 825, 850, 875) and individual keys (801, 803) concerning shipping instructions and for inputting information (Col. 13, L. 1-65). Schwartz also discloses different modules within the memory space of the system (10). The modules contain part of the software necessary for running the system (10) (Col. 7, L. 63-67; Col. 8, L. 1-13).

The information collected by the system (10) in Schwartz is input by a user and is not obtained from the package (Col. 14, L. 1 through Col. 18, L. 2). The information collected in Schwartz is carrier information (Col. 13, L. 29-53), the method of shipping (Col. 15, L. 45-62), the destination zip code (Col. 16, L. 1-17), insurance amount for the package (Col. 16, L. 59-64) and account name and invoice number for billing purposes (Col. 17, L. 16-55). This is not what is being claimed in claim 26 of the present application.

Nowhere does Schwartz suggest or disclose obtaining, from the mail piece, selected information appearing on the mailing piece, said information including data identifying an originator of said mail piece or a processor responsive to at least the selected information for determining whether to dispense the postage as recited in claim 26 of the present application.

Claim 130 recites similar limitations. As such, Schwartz does not anticipate claims 26 or 130, which should be allowable. Claims 27-28, 31-35, 131 and 134-138 should be allowed at least because of their respective dependencies.

3. Claims 36-57 were rejected under 35 U.S.C. 102(e) as being anticipated by Imlah, identified as U.S. Patent No. 5,812,991, cited by the Examiner. However, there is a discrepancy between

the patent number and the inventor name of the prior art cited by the examiner. U.S. Patent 5,812,991 is the patent issued to Kara not Imlah. As such, it is unclear as to which reference the Examiner is referring to.

Applicant will not make any arguments on the merits with respect to claims 36-57, 58-81, 139-147 and 149-183 due to the above discrepancy. However, assuming the Examiner is citing Kara, the Applicant offers the following comments.

Claims 36, 58, 139 and 161 are not anticipated by Kara, U.S. Patent Number 5,812,991 under 35 U.S.C. 102(e).

Claim 36 of the present application recites in pertinent part, a processor for creating a postage indicium, said postage indicium including a proof of payment, for service by a first party, and transactional data comprising at least information representative of a transaction amount, said first party causing said transaction amount to be paid to a second party in response to at least said transactional data when said first party processes said postage indicium.

Kara discloses a system and method for printing a postage indicia concerning certain computer programs (i.e. Postagemaker and E-Stamp) (Col. 7, L. 8-23; Col. 8, L. 9-21). The system includes a client processor-based system (10) and a host-processor based system (20). Kara discloses the E-Stamp program requesting an amount of postage to be replenished and payment from a bank card or debit account maintained with the postal authority. In Kara, a user takes a postage dispensing device to an authorized agent of a postal authority in order to obtain a replenishment of the amount of postage stored within a portable postage dispensing device (18, 188, 186, 184, 182).

The replenishment of postage in Kara and payment for the replenished postage from a bank card or a debit from an account maintained with the postal authority is for the remote replenishment of postage funds within portable postage dispensing devices (18, 188, 186, 184, 182) (Col. 8, L. 22-25). This is not what is being claimed in claim 36 of the present application.

Nowhere does Kara disclose or suggest a postage indicium including a proof of payment, for service by a first party, and transactional data comprising at least information representative of a transaction amount, said first party causing said transaction amount to be paid to a second party in response to at least said transactional data when said first party processes said postage indicium as recited in claim 36 of the present application.

Claims 58, 139 and 161 recite similar limitations. As such claims 36, 58, 139 and 161 are not anticipated by Kara and should be allowable. Claims 37-57, 59-81, 140-147, 149-160, 162-183, 201-204, 208 and 209 should be allowed at least because of their respective dependencies.

4. Claims 192-205 and 208-210 are not anticipated under 35 U.S.C. 102(e) by Critelli et al., U.S. Patent 6,260,029.

Claim 192 recites indicating on the mail piece information concerning a content in the mail piece. Claim 192 also recites providing on the mail piece an indicator, said indicator causing a processor of the mail piece to inform a third party of the information while the mail piece is being sent.

Critelli discloses a postage metering system that dispenses postage on a mail piece. The indicia (18) in Critelli contains an encrypted bar code (36). The bar code (36) may be in the form of

a digitally signed document (100). The document (100) includes a message (102) and an encrypted digest (104) of the message (102) (Col. 2, L. 60-67). Critelli also discloses cryptographically secured, third party certified, non-shipping related information about the sender which the recipient of the mail piece can read and verify as being authentic (Col. 3, L. 46-67; Col. 4, L. 1-3). Integrated circuits attached to the mail piece are also disclosed. The integrated circuits contain the postage indicia and third party certificates in lieu of the printed indicium (18) and bar code (37).

In Critelli, the non-shipping information is included as part of the indicium (18) in a second bar code block (37) or in the digital document (100) (Col. 4, L. 4-14). In addition, the recipient of the mail piece in Critelli verifies the authenticity of the document (100), including the non-shipping information, upon receipt using the encrypted digest (104) (Col. 3, L. 3-15). This is contrary to what is claimed in claim 192 of the present application.

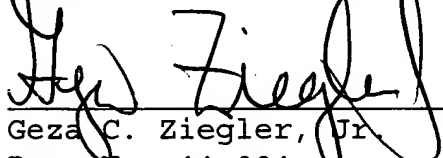
Nowhere in Critelli is it disclosed or suggested that an indicator [on the mail piece] cause a processor of the mail piece to inform a third party of information, concerning a content of the mail piece, while the mail piece is being sent. In the system of Critelli, the recipient of the mail piece "authenticates" the document (100) upon receipt of the mail piece (Col. 3, L. 3-15; Col. 4, L. 15-18). Critelli does not provide a third party with information about the content of the mail piece while the mail piece is being sent. As such, Critelli does not anticipate claim 192 of the present application.

Claims 193-205 and 208-210 should be allowed at least because of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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